

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SONY BMG MUSIC ENTERTAINMENT,
UMG RECORDINGS, INC., ELEKTRA
ENTERTAINMENT GROUP, INC., ARISTA
RECORDS LLC, ZOMBA RECORDINGS LLC
CO., BMG MUSIC,

Plaintiffs,

v.

Honorable Thomas L. Ludington
Case Number : 08-10297-BC

KELLY BARNARD,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING PLAINTIFFS' MOTION TO DISMISS WITHOUT PREJUDICE,
AND DISMISSING COMPLAINT WITHOUT PREJUDICE

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on February 29, 2008, recommending that the plaintiff recording companies' complaint be dismissed without prejudice, pursuant to their own motion. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation.¹ The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the reasoning and

¹On March 7, 2008, the magistrate judge's report and recommendation was returned as undeliverable. Previous, on February 5, 2008, the defendant, Kelly Barnard, submitted a letter which was docketed as an answer. There, she recites her inability to retain counsel, due to her income level, and states that she has "no instruction on what to do."

conclusion of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #9] is **ADOPTED**, that the plaintiffs' motion to dismiss without prejudice [dkt #8] is **GRANTED**, and that the plaintiffs' complaint is **DISMISSED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 14, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 14, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS